

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION**

In re:) Chapter 13
Christopher Dombkowski)
) No. 21-80052
)
Debtor) Judge Thomas M. Lynch

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on **06/20/2024, at 9:00AM**, I will appear before the Honorable Judge Thomas M. Lynch, or any judge sitting in that judge's place, **either** in courtroom 3100 of the 327 South Church Street, Rockford, Illinois 61101, **or** electronically as described below, and present the motion of Codilis & Associates, P.C. for Guaranteed Rate, Inc., a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the Motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 160 291 5226, and the passcode is 852255. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Kerrie S. Mattson-Neal
Attorney for Movant

Terri M. Long ARDC#6196966
Peter C. Bastianen ARDC#6244346
Joel P. Fonferko ARDC#6276490
Berton J. Maley ARDC#6209399
Michael P. Kelleher ARDC#6198788
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Codilis & Associates, P.C.

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bkpleadingsNORTHERN@il.cslegal.com
File No. 14-22-09389

NOTE: This law firm is a debt collector.

CERTIFICATE OF SERVICE

I, Kerrie S. Mattson-Neal, certify that I served a copy of this notice and the attached motion on each entity shown on the service list below at the address shown and by the method indicated on the list on June 3, 2024.

Lydia Meyer, Chapter 13 Trustee, P.o. Box 14127, Rockford, IL 61105-4127 by electronic notice through ECF

Christopher Dombkowski, Debtor, 1503 Summerhill Lane, Cary, IL60013 by pre-paid first class U.S. Mail

Crystal Noe, Co-Debtor, 1503 Summerhill Ln, Cary, Il 60013 by pre-paid first class U.S. Mail

Dustin B. Allen, Attorney for Debtor, PO Box 681232, Schaumburg, IL 60168 by electronic notice through ECF

Office of U.S. Trustee, 780 Regent St., Suite 304, Madison, WI 53715 by electronic notice through ECF

/s/ Kerrie S. Mattson-Neal
Attorney for Movant

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION**

IN RE:

Christopher Dombkowski

Debtor

Chapter: 13

No.: 21-80052

Judge Thomas M. Lynch

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

NOW COMES Guaranteed Rate, Inc., (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) and §1301(c) for an Order granting Movant relief from the automatic stay and co-debtor stay, and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Western Division;

2. The Debtor is indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 1503 Summerhill Ln, Cary, IL 60013;

3. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor filing of this petition on 1/18/2021;

4. The Chapter 13 plan herein provides for the cure of the default of said mortgage and maintenance of current payments during the pendency of the proceeding;

5. Pursuant to the plan, Debtor is to disburse the current monthly mortgage payments directly to Movant beginning with the first payment due after the filing of the Chapter 13 Bankruptcy (subject to periodic adjustment due to change in escrow);

6. Movant is entitled to relief from the automatic stay under 11 U.S.C. Section 362(d) for the following reasons:

- a) As of 05/15/2024, the Debtor is past due for the 04/01/2024 payment, and all amounts coming due since that date. Any payments received after this date may not be reflected in this default;
- b) As of 05/15/2024, the total post-petition default through and including 05/01/2024, is \$7,055.18 which includes a suspense credit of \$0.50. Any payments received after this date may not be reflected in this default. This amount includes post-petition attorney fees in the amount of \$1,249.00;
- c) As of 06/01/2024, the default increases to \$10,181.30 to include the 06/01/2024 payment;

7. Said failure to make post-petition mortgage payments is sufficient grounds for relief from the automatic stay for cause pursuant to 11 U.S.C. Section 362(d)(1);

8. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding:

\$1,050.00 for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same
\$199.00 for Court filing fee

9. That the subject note and mortgage are co-signed by Crystal Noe and that to the extent that the co-debtor stay of 11 U.S.C. §1301 applies to real estate loans, it applies to Crystal Noe and grounds exist for relief therefrom under 11 U.S.C. §1301(c)(1) as the co-debtor received an ownership interest in the house and under 11 U.S.C. §1301(c)(3) if the automatic stay is modified therein.

WHEREFORE, Guaranteed Rate, Inc. prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) and Section 1301(c) modifying the automatic stay and co-debtor stay as to Movant, allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated this June 3, 2024.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Kerrie S. Mattson-Neal
Attorney for Movant

Terri M. Long ARDC#6196966
Peter C. Bastianen ARDC#6244346
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